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BY: ECF

Honorable James L. Cott
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Kaye v. NYC Health & Hospitals Corp. et al.*, 18-cv-12137 (JPC)(JLC)

Dear Judge Magistrate Judge Cott:

I write briefly to respond to Plaintiff's October 18, 2021 letter to the Court. [ECF Dkt Nos. 180 and 181].

As explained to Plaintiff's counsel, the files she seeks are not employment evaluations, but an on-going professional practice evaluation or OPPE, which is done for all providers as set forth in the medical staff by-laws of Bellevue Hospital. It is not an employment evaluation but a medical staff evaluation. Regardless, today, consistent with the parties' earlier meet and confer, I produced Dr. Kaye's medical file from Bellevue Hospital, bearing Bates stamp numbers D001533-D001587. Note that as I explained to Plaintiff's counsel, her client does not have a medical staff file at Correctional Health Service or CHS, because she is not medical staff and CHS is not a hospital.

With respect to the cancellation fee related to the cancelled deposition of Catherine Patsos, as per the Court's April 27, 2021 Order, Defendants are responsible to pay \$100.00 of the \$150.00—not \$175.00 cancellation fee. *See* ECF No. 146. Moreover, the \$100.00 payment was to be made to Martin Deposition Solutions, Inc., and not to Plaintiff. Yesterday, I spoke to Randy Lackrow of Martin Deposition Solutions, Inc., to confirm Defendants' \$100.00 payment.

As to the cancellation fee of Dr. MacDonald's deposition, upon receipt of an invoice from Plaintiff's counsel, Defendants will pay the cancellation fee.

Respectfully submitted,

ECF /s/

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cc: Special Hagan (by ECF)